

## **Federal Operating Permit Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: ArborTech Forest Products, Inc.  
Facility Name: ArborTech Forest Products, Inc.  
Facility Location: 500 Dearing Ave., Blackstone, VA  
Nottoway County, VA  
Registration Number: 31039  
Permit Number: SCRO31039

October 24, 2005  
Effective Date

August 17, 2006  
Amendment Date

October 23, 2010  
Expiration Date

\_\_\_\_\_  
Director, Department of Environmental Quality

\_\_\_\_\_  
Signature Date

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## **I. Facility Information**

### **Permittee**

ArborTech Forest Products, Inc.  
500 Dearing Ave.  
Blackstone, VA 23824

### **Responsible Official**

John Talley  
President

### **Facility**

ArborTech Forest Products, Inc.  
500 Dearing Ave.  
Blackstone, VA 23824

### **Contact Person**

Jerry Hawthorne  
Dry Kiln Supervisor  
(434) 298-0940

**AFS Identification Number:** 51-135-0037

**Facility Description:** SIC Code 2421 – Dimensional lumber manufacturing facility (pine lumber) and by-products (ie., bark, chips, sawdust, and shavings).

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity Notes 1 & 2	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Fuel Burning Equipment</b>							
B1	B1-1	Hurst Boiler Wood-waste fired boiler Model m-4000-WWF	28.7 MMBtu/hr	Hurst Boiler multicyclone	B1A	PM	August 17, 2006
B2	B2-1	Hurst Boiler Wood-waste fired boiler Model m-4000-WWF	28.7 MMBtu/hr	Hurst Boiler multicyclone	B2A	PM	August 17, 2006
<b>Process A</b>							
K1	K1 – 1 thru 10 Note 3	Wellons 54 foot dual track dry (lumber) kiln	4.37 MBf/hr	---	---	---	August 17, 2006
K2	K2 – 1 thru 10	Wellons 54 foot dual track dry (lumber) kiln	4.37 MBf/hr	---	---	---	August 17, 2006
K3	K3 – 1 thru 10	Wellons 86 foot dual track dry (lumber) kiln	6.96 MBf/hr	---	---	---	August 17, 2006
<b>Process B</b>							
P1	P1-1	Howell Metal planer system	50 MBf/hr	Howell Metal cyclone	P1A	PM	August 17, 2006

Notes:

1. The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.
2. MBf / hr = thousand board feet per hour
3. Each kiln has 10 vents. Alternately, five act as vents and five act as intakes.

### III. Fuel Burning Equipment Requirements - Wood-waste boilers B1 and B2

#### 1. Limitations for wood-waste boilers B1 and B2

- a. **Emission Controls** - Particulate emissions from each 28.7 MMBtu/hr wood-waste boiler (Ref. B1 and B2) shall be controlled by a multicyclone. Each multicyclone (Ref. B1A and B2A) shall be provided with adequate access for inspection and shall be in operation when the wood-waste boiler is operating. (9 VAC 5-80-110 and Condition 2 of the permit dated August 17, 2006)
- b. **Emission Controls** – Each boiler (Ref. B1 & B2) exhaust stack (Ref. B1-1 & B2-2) shall be a minimum of 62.75 feet above ground elevation with an unobstructed vertical discharge, in order to comply with ambient air quality standards for particulate matter (PM-10).  
(9 VAC 5-80-110 and Condition 4 of the permit dated August 17, 2006)
- c. **Fuel** - The approved fuel for the 28.7 MMBtu/hr wood-waste boilers (B1 and B2) is wood-waste, excluding any wood which contains chemical treatments or has affixed thereto paint and/or finishing materials or paper or plastic laminates. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110 and Condition 7 of the permit dated August 17, 2006)
- d. **Operating and Training Procedures** - Wood-waste boilers' (Ref. B1 and B2) emissions shall be controlled by proper operation and maintenance of combustion and air pollution control equipment. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler and air pollution control equipment. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.  
(9 VAC 5-80-110 and Condition 21 of the permit dated August 17, 2006.)
- e. **Emission Limits** - Emissions from the operation of the 28.7 MMBtu/hr wood-waste boilers (B1 and B2) shall not exceed the limits specified below:

Particulate Matter	0.3 lbs/MMBtu	75.4 tons/yr
PM-10	0.3 lbs/MMBtu	75.4 tons/yr
Sulfur Dioxide	0.5 lbs/hr	4.5 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	6.3 lbs/hr	55.2 tons/yr

Carbon Monoxide	0.5 lbs/MMBtu	125.7 tons/yr
Volatile Organic Compounds	0.7 lbs/hr	6.8 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these annual emission limits may be determined as stated in Condition Numbers III.1.c, III.1.d, III.3.a(3), and III.3.a(4).

(9 VAC 5-80-110 and Condition 9 of the permit dated August 17, 2006)

- f. **Emission Limits** - Visible emissions from the 28.7 MMBtu/hr wood-waste boilers (B1 and B2) exhaust shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 27 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.

(9 VAC 5-80-110, and Condition 12 of the permit dated August 17, 2006)

- g. **Requirements by Reference** - Except where this permit is more restrictive than the applicable requirement, wood-waste boilers B1 and B2 shall be operated in compliance with the requirements of 40 CFR Part 60, Subpart Dc.

(9 VAC 5-80-110 and Condition 8 of the permit dated August 17, 2006)

## 2. **Monitoring for wood-waste boilers B1 and B2**

- a. **Annual monitoring** - An annual internal inspection shall be conducted on each multicyclone (Ref. B1A and B2A) by the permittee to insure structural integrity.  
(9 VAC 5-80-110 E)
- b. **Weekly monitoring** - At least one time per calendar week an observation of the presence of visible emissions from each wood-waste fired boiler (Ref. B1 and B2) stack (Ref. B1-1 & B2-1) shall be made. The presence of visible emissions shall require the permittee to:

(1) take timely corrective action such that the wood-waste boiler (Ref. B1 & B2) resumes operation with no visible emissions, or,

(2) conduct a visible emission evaluation (VEE) on the wood-waste boiler stack (Ref. B1-1 & B2-1) with visible emissions in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the boiler are 20 percent opacity or less. If any of the observations exceed 20 percent opacity, the observation period shall continue until a total of sixty (60) minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the boiler resumes operation within the 20 percent opacity limit.

- (3) If visible emissions inspections conducted during twelve (12) consecutive weeks show no visible emissions for each boiler (Ref. B1 and B2), the permittee may reduce the monitoring frequency for the boiler (Ref. B1 and B2) without visible emissions to once per month. Anytime the monthly visible emissions inspections show visible emissions, or when requested by DEQ, the monitoring frequency shall be increased to once per week.

The permittee shall maintain an observation log for each boiler (Ref. B1 & B2) to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If a wood-waste boiler (Ref. B1 & B2) has not been operated for any period during the week it shall be noted in the corresponding log book.

(9 VAC 5-80-110 E, 9 VAC 5-80-110 K)

### 3. **Recordkeeping for wood-waste boilers B1 and B2**

- a. **On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:
  - (1) Daily throughput of wood combusted in the 28.7 MMBtu/hr wood-waste boiler (B1).
  - (2) Daily throughput of wood combusted in the 28.7 MMBtu/hr wood-waste boiler (B2).
  - (3) Monthly and annual throughput of wood combusted in the two 28.7 MMBtu/hr wood-waste boilers (B1 and B2). Annual throughput shall be calculated monthly as the sum of each consecutive 12 month period.
  - (4) Monthly and annual emissions calculations for particulate matter, PM-10, sulfur dioxide, nitrogen oxides, carbon monoxide, and volatile organic compounds from the wood-waste boilers (B1 and B2) using calculation methods approved by the South Central Regional Office to verify compliance with the emissions limitations in Condition III.1.e. Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period.
  - (5) Visual emission logs for the wood-waste boilers (Ref. B1 and B2).
  - (6) Records for the two wood-waste boilers as required by Condition VIII.C.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110, 40 CFR 60.48c(g), and Conditions 15.a., 15.b., and 15.d. of the permit dated August 17, 2006)

#### 4. Testing for wood-waste boilers B1 and B2

The testing requirements of Conditions V.3 of this permit apply.

(9 VAC 5-80-110)

#### 5. Reporting for wood-waste boilers B1 and B2

- a. The permittee shall furnish written notification to the South Central Regional Office of the actual date on which modification of the dimensional lumber manufacturing facility commenced within 30 days after such date.
- b. The requirements of Condition VIII.C of this permit apply.

(9 VAC 5-80-110 and Condition 17 of the permit dated August 17, 2006)

### IV. Process Equipment Requirements

#### A. Kilns (K1, K2, and K3)

##### 1. Limitations for Kilns K1, K2, and K3

- a. **Throughput** - The throughput of wood through the dry (lumber) kilns (K1, K2, and K3) shall not exceed 90,000 thousand board feet (MBf) per year, calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-110 and Condition 6 of the permit dated August 17, 2006)

- b. **Emission Limits** - Emissions from the three lumber drying kilns (K1, K2, and K3) shall not exceed the limits specified below:

Volatile Organic Compounds	3.32 lb/MBf	149.4 tons/yr
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These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with this emission limit may be determined as stated in Condition Numbers IV.A.1.a, IV.A.3.a, and IV.A.3.b.

(9 VAC 5-80-110 and Condition 10 of the permit dated August 17, 2006)

- c. **Emission Limits** - Visible emissions from the dry (lumber) kilns (K1, K2, and K3) shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30% opacity.  
(9 VAC 5-50-80 and 9 VAC 5-80-110)



## 2. **Monitoring for Kilns (K1, K2, and K3)**

**Weekly monitoring** - At least one time per calendar week an observation of the presence of visible emissions from the exhaust vents of each of the three kilns (K1, K2, and K3) shall be made. The presence of visible emissions shall require the permittee to:

- a. take timely corrective action such that the kiln (Ref. K1, K2, and K3), with visible emissions, resumes operation with no visible emissions, or,
- b. conduct a visible emission evaluation (VEE) on the kiln (Ref. K1, K2, and K3), with visible emissions, in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the kiln are 20 percent opacity or less. If any of the observations exceed 20 percent opacity, the observation period shall continue until a total of sixty (60) minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the kiln resumes operation within the 20 percent opacity limit.
- c. If visible emissions inspections conducted during twelve (12) consecutive weeks show no visible emissions for an individual kiln (Ref. K1, K2, and K3), the permittee may reduce the monitoring frequency for that kiln to once per month. Anytime the monthly visible emissions inspections show visible emissions, or when requested by DEQ, the monitoring frequency shall be increased to once per week.

The permittee shall maintain a kiln visible emissions observation log for each kiln (K1, K2, and K3) to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If an individual kiln has not been operated for any period during the week, it shall be noted in the log book.

(9 VAC 5-80-110 E, 9 VAC 5-80-110 K)

## 3. **Recordkeeping for Kilns (K1, K2, and K3)**

**On Site Records** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, South Central Regional Office. These records shall include, but are not limited to:

- a. Monthly and annual throughput of wood through the dry (lumber) kilns (K1, K2, and K3) in units of thousand board feet (MBf). Annual throughput shall be calculated monthly as the sum of each consecutive 12 month period.
- b. Monthly and annual emissions calculations for volatile organic compounds, and methanol from the dry (lumber) kilns (K1, K2, and K3) using calculation methods approved by the South Central Regional Office to verify compliance with the emissions limitations in Condition IV.A.1.b. Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period.

- c. Visual emission logs for dry (lumber) kilns (K1, K2, and K3).
- d. The recordkeeping requirements of Condition VIII.C of this permit.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and Conditions 15.c and 15.d. of the permit dated August 17, 2006)

#### 4. **Testing for Kilns (K1, K2, and K3)**

The testing requirements of Condition V.3 of this permit apply.

#### 5. **Reporting for Kilns (K1, K2, and K3)**

The reporting requirements of Conditions VIII.C of this permit.

(9 VAC 5-80-110)

### **B. Planer System (P1)**

#### 1. **Limitations for Planer system P1**

- a. **Emission Controls** - Particulate emissions from the planer system (P1) shall be controlled by a cyclone. The cyclone (Ref. P1A) shall be provided with adequate access for inspection and shall be in operation when the planer system is operating.  
(9 VAC 5-80-110 and Condition 3 of the permit dated August 17, 2006)
- b. **Throughput** - The throughput of wood through the planer system (P1) shall not exceed 90,000 thousand board feet (MBf) per year, calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-110 and Condition 6 of the permit dated August 17, 2006)
- c. **Visible Emission Limit** - Visible emissions from the Planer system (P1) cyclone exhaust stack (Ref. P1-1) shall not exceed 5 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.  
(9 VAC 5-80-110 and Condition 13 of the permit dated August 17, 2006)
- d. **Emission Limits** - Emissions from the Planer system (P1) shall not exceed the limits specified below:

Particulate Matter	18.7 lbs/hr	33.7 tons/yr
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These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these annual emission limits may be determined as stated in Condition Numbers IV.B.1.b, IV.B.3.a, and IV.B.3.b

(9 VAC 5-80-110 and Condition 11 of the permit dated August 17, 2006)

## 2. **Monitoring for Planer system P1**

- a. **Annual monitoring** - An annual internal inspection shall be conducted on the cyclone (Ref. P1A) by the permittee to insure structural integrity.  
(9 VAC 5-80-110 E)
- b. **Weekly monitoring** - At least one time per calendar week an observation of the presence of visible emissions from the planer system cyclone stack (Ref. P1-1) shall be made. The presence of visible emissions shall require the permittee to:
  - (1) take timely corrective action such that the planer system cyclone stack (Ref. P1-1) resumes operation with no visible emissions, or,
  - (2) conduct a visible emission evaluation (VEE) on the planer system cyclone stack (Ref. P1-1) in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the planer system cyclone stack are 5 percent opacity or less. If any of the observations exceed 5 percent opacity, the observation period shall continue until a total of sixty (60) minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the planer system cyclone stack resumes operation within the 5 percent opacity limit.
  - (3) If visible emissions inspections conducted during twelve (12) consecutive weeks show no visible emissions for planer system cyclone stack (Ref. P1-1), the permittee may reduce the monitoring frequency for the planer system cyclone stack to once per month. Anytime the monthly visible emissions inspections show visible emissions, or when requested by DEQ, the monitoring frequency shall be increased to once per week.

The permittee shall maintain a visible emissions observation log for planer system cyclone stack (Ref. P1-1) to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If the planer system has not been operated for any period during the week it shall be noted in the log book.  
(9 VAC 5-80-110 E, and 9 VAC 5-80-110 K)

## 3. **Recordkeeping for Planer system P1**

**On Site Records** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, South Central Regional Office. These records shall include, but are not limited to:

- a. Monthly and annual throughput of wood through the planer system (P1) in units of thousand board feet (MBf). Annual throughput shall be calculated monthly as the sum of each consecutive 12 month period.

- b. Monthly and annual emissions calculations for particulate matter from the planer system using calculation methods approved by the South Central Regional Office to verify compliance with the emissions limitations in Condition IV.B.1.d. Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period.
- c. Visual emission log for the planer system (P1).

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and Conditions 15.c. and 15.d. of the permit dated August 17, 2006)

#### 4. **Testing for Planer system P1**

The testing requirements of Condition V.3 of this permit apply.

#### 5. **Reporting for Planer system P1**

The requirements of Condition VIII.C of this permit apply.

### V. **Facility Wide Conditions**

- 1. **Violation of Ambient Air Quality Standard** - The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated. (9 VAC 5-80-110 and Condition 24 of the permit dated August 17, 2006)
- 2. **Maintenance/Operating Procedures** - The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:
  - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
  - b. Maintain an inventory of spare parts.
  - c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
  - d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.

(9 VAC 5-80-110, and Condition 21 of the permit dated August 17, 2006)

3. **Test/Monitoring Ports** - The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Test ports shall be provided when requested.  
(9 VAC 5-80-110 and Condition 16 of the permit dated August 17, 2006)

## VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
B3	Hurst distillate oil fired-boiler	9 VAC 5-80-720 C		9.9 MMBtu/hr
T1	10,000 gallon above ground Distillate Oil Tank	9 VAC 5-80-720 B	VOC	---
---	Green wood sawmill	9 VAC 5-80-720 B	Particulate Matter	---

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60c(a).	Subpart Dc Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	< 10 MM Btu/hr distillate oil fired boiler (B3)
40 CFR 63.2231(b)	40 CFR 63 Subpart DDDD, National Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products	Kilns (Ref. K1, K2, K3)
40 CFR 63.7485	National Emission Standards for Hazardous Air Pollutants From for Industrial, Commercial, and Institutional Boilers and Process Heaters and 40 CFR 63 Subpart DDDDD	28.7 MM Btu/hr wood waste-fired boilers (B1, B2), 9.9 MM Btu/hr distillate oil-fired boiler (B3)

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-140)

## **VIII. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

### C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

(1) Exceedance of emissions limitations or operational restrictions;

(2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)



**E. Permit Deviation Reporting**

The permittee shall notify the Director, South Central Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

**F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, South Central Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, South Central Regional Office.

(9 VAC 5-20-180 C)

**G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

**H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

**I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

**J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, or 9 VAC 5-80-1790 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9 VAC 5-80-190 and 9 VAC 5-80-260)

**K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G.5)

**L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

**M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

**N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90 and Condition 5 of the permit dated August 17, 2006)

**O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

**P. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

**Q. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

**R. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

**S. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

**T. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
  - e. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
  - f. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

**U. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

**V. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

**W. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

**X. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)